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FISCAL IMPACT REPORT

ORIGINAL DATE 2/18/07
 LAST UPDATED 2/20/07 HB _____

SPONSOR Garcia, M.J.

SHORT TITLE Dona Ana County Land to Homeland Security SB SJR 4

ANALYST Wilson

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$0.1		Non-Recurring	State Trust Land

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1			Non- Recurring	State Trust Land

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Commissioner of Public Lands (CPL)
 Environment Department (ED)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 4 grants approval to sell land in Dona Ana County to the United States Department of Homeland Security Customs and Border Protection.

The legislature authorizes the Property Control Division (PCD) of the General Services Department (GSD) to sell the described land at a value not less than the appraised market value as determined by the Taxation and Revenue Department (TRD). The sale is contingent upon federal approval.

SIGNIFICANT ISSUES

SJR4 is designed to provide additional land space to support federal activities at the Santa Teresa United States – Mexico Border Station in Dona Ana County.

Section 13-6-3 NMSA 1978 requires ratification and approval of a sale, a trade or a lease for a period exceeding twenty-five years of state property that is valued \$100,000 or more.

According to the CPL the resolution is fatally flawed:

- The land in question is state trust land, under the management of the CPL. Title is not held by GSD.
- The State Land Office is not subject to Section 13-6-3. See § 13-6-3(B).

As a result, SJR 4 will have no legal effect if passed.

CPL further notes that, to date, the CPL has not received an application from GSD, the New Mexico Office of Homeland Security, or the United States Department of Homeland Security to acquire the state trust land in question.

ADMINISTRATIVE IMPLICATIONS

There will be some administrative impact on GSD or CPL depending on who holds title.

DW/nt